

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:22-CV-384-D

DANIEL TAYLOR JOHNSON,

Plaintiff,

v.

NORTH CAROLINA STATE UNIVERSITY,

Defendant.


ORDER

On September 23, 2022, North Carolina State University removed this action from Wake County Superior Court [D.E. 1]. On September 26, 2022, the Clerk of Court served a notice to pro se plaintiff, Daniel Taylor Johnson (“Johnson” or plaintiff”) and counsel of record regarding compliance with Local Civil Rules 5.3, 7.1, and 7.3 and Federal Rule of Civil Procedure 7.1 [D.E. 5]. On September 30, 2022, defendant filed a motion to dismiss [D.E. 9] and a memorandum in support [D.E. 10]. On September 30, 2022, the Clerk of Court sent a notice to Johnson regarding the motion to dismiss and told him the deadline for his response [D.E. 11]. See Roseboro v. Garrison, 528 F.2d 309, 310 (4th Cir. 1975) (per curiam). On October 6, 2022, Johnson filed a notice of self representation [D.E. 12] and a financial disclosure statement [D.E. 13]. On October 6, 2022, the clerk’s September 26, 2022 notice was returned as undeliverable mail [D.E. 14]. On October 25, 2022, the clerk sent a second notice to Johnson regarding his right to file a response to motion to dismiss [D.E. 15]. On October 26, 2022, the clerk’s September 30, 2022 notice was returned as undeliverable mail [D.E. 16]. On August 2, 2023 the court WARNED Johnson about the consequences of failing to file a response to the motion to dismiss and the response deadline and told

Johnson that if he failed to file a response to the motion to dismiss by August 25, 2023, the court would dismiss his case. See [D.E. 18]. Johnson did not respond.

In sum, the court DISMISSES WITHOUT PREJUDICE this action for failure to prosecute. The court DISMISSES AS MOOT defendant's motion to dismiss [D.E. 9]. The clerk shall close the case.

SO ORDERED. This 7 day of September, 2023.



JAMES C. DEVER III
United States District Judge